



Appeal Decision

Site visit made on 10 September 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2019

Appeal Ref: APP/Q5300/W/19/3231772

Land Rear of 26-29, Hardy Way, Enfield EN2 8NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Halil against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/00697/FUL, dated 21 February 2019, was refused by notice dated 23 April 2019.
 - The development proposed is erection of a dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the appeal proposal on the living conditions of the occupiers of No 26-29 Hardy Way with particular regard to outlook, noise and disturbance;
 - ii) Whether it would provide acceptable living conditions for future occupiers; and
 - iii) The effect on the character and appearance of the area.

Reasons

Living Conditions

3. The appeal site is to the rear of a two-storey block of flats (26-29 Hardy Way) and adjacent to recently built residential properties and a block of garages, served by an existing access track. The area is primarily residential in nature.
4. The appeal proposal would be situated in close proximity to the rear elevation of No 26-29, for much of its length at two storey height.
5. No 26-29 contain a wide array of windows which face towards the appeal site. While I do not have the floor plans of the flats within this building, many of the windows at ground and first floor level appear to serve habitable rooms which are currently afforded a reasonable level of outlook.
6. The appeal proposal includes a mono-pitched roof. The maximum height of the appeal scheme would be lower than No 26-29 and would not include any first-floor windows facing towards these flats.

7. However, the two-storey section of the appeal proposal would be in very close proximity to windows on the abovementioned building. Without any substantive evidence to demonstrate otherwise, it would have a dominant and overbearing impact on this building that would give rise to a harmful loss of outlook for the occupiers.
8. Therefore, the appeal proposal would result in significant harm to the living conditions of the occupiers of No 26-29 which would have an adverse impact on the enjoyment of their homes. Any improved boundary treatment and landscaping would be at ground floor level and would do little to reduce such impact. The appeal proposal may be lesser in height than the recently built dwellings to the north east of the site, but these have a less direct relationship to No 26-29 and share a different context.
9. Given the presence of the garages and the recently built properties, which are served off the accessway closely to the north, No 26-29 inevitably already suffer from some degree of disturbance associated with existing comings and goings. These would not be significantly increased as a result of the appeal proposal.
10. However, the appeal proposal would result in harm to the living conditions of the occupiers of No 26-29 Hardy Way as a result of significant and harmful loss of outlook.
11. In relation to these matters, it would therefore be contrary to Policies DMD 8, DMD 10 and DMD 37 of the Enfield Development Management Document (EDMD) (2014) and Policies 7.4 & 7.6 of the London Plan (LP) (2016) which amongst other things require the protection of living conditions of neighbouring occupiers through appropriate design and separation. Section 7 of the National Planning Policy Framework is not relevant to the appeal proposal.

Living Conditions (future occupiers)

12. The internal floor space would be in excess of the minimum required within the LP. Disagreement is therefore focussed on external amenity space. Policy DMD 9 of the EDMD sets out standards for private amenity space which should be met or exceeded in development schemes. Two standards are listed, one relating to a 'minimum' provision and one relating to an 'average' provision. I consider that the 'average provision' (38m²) is intended to relate to larger development schemes to allow for inevitable variation in external amenity space from plot to plot.
13. Instead, in relation to an individual dwelling, the minimum requirement is 23m². The provision of 28m² would therefore exceed the required amount and the appeal proposal would provide private external amenity space of appropriate size and quality which would not be out of keeping with gardens in the area, many of which are only modestly sized.
14. The appeal proposal has been designed so that the primary habitable space would face out onto the external courtyard, while the kitchen area would have more limited outlook through the close proximity of its window to the boundary fence. This would be a logical arrangement, and acceptable internal living conditions would be provided. It would be possible to include a condition requiring the provision of bin and cycle storage were I minded to allow the appeal.

15. Consequently, the appeal proposal would be acceptable in terms of living conditions for future occupiers and would, therefore, in relation to these matters accord with Core Policy 30 of The Enfield Plan Core Strategy (EPCS) (2010), Policies DMD 6, DMD 8 and DMD 37 of the EDMD and Policies 3.5, 3.8, 7.1 and 7.4 of the LP which amongst other things seek to ensure that appropriate living conditions are provided internally and externally.

Character and appearance of the area

16. The scale of development in the area is mixed, while there is a car park to the rear of the appeal site. The height and massing of the appeal proposal would not be excessive in relation to the mixed scale of development in the area and it would be lesser in scale and height comparative to No 26-29. The mono pitched roof would not be out of keeping with the character of the area which includes gabled, hipped, flat and crown roofs. The design principles of the property, while modern, would be acceptable.
17. Consequently, the appeal proposal would be acceptable in terms of its effect on the character and appearance of the area and would, therefore, in relation to these matters accord with Core Policy 30 of the EPCS, Policies DMD 6, DMD 8 and DMD 37 of the EDMD and Policies 7.4 and 7.6 of the LP which amongst other things seek development of good architectural and design quality that is appropriate to local character. The appeal site is not in use as a garden, therefore Policy DMD 7 which relates to the development of garden land is not relevant.

Conclusion

18. Notwithstanding the lack of harm identified in relation to some matters above, as the appeal proposal would result in significant harm to the living conditions of occupiers of No 26-29 Hardy Way, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR